

## REMARKS

Applicant respectfully requests reconsideration of this application in view of the following remarks. For the Examiner's convenience and reference, Applicant's remarks are presented in substantially the same order in which the corresponding issues were raised in the Office Action.

### Status of the Claims

Claims 1-7 and 9-29 are pending. Claims 1, 5-7, 9, 11, 13-17, 20-24, 28-29 are currently amended. No claims have been cancelled. No new matter has been added.

### Summary of the Office Action

Claims 1-3, 5-6, 11-13, 15-16, 20 and 23-28 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over U.S. Patent No. 5,731,770 to Minoda (hereinafter "Minoda") in view of U.S. Patent Publication No. 2003/0169626 to Burk et al. (hereinafter "Burk") and further in view of U.S. Patent No. 4,777,485 to Costello (hereinafter "Costello").

Claims 4 and 21 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Minoda in view of Burk and Costello, as applied to claims 1 and 20, and further in view of U.S. Patent No. 5,357,510 to Norizuki et al. (hereinafter "Norizuki").

Claims 9,13,14,17-19 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Minoda in view of Burk and Costello, as applied to claims 1 and 15 above, and further in view of U.S. Patent Publication No. 2002/0120798 to Modelski (hereinafter "Modelski").

Claim 10 stands rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Minoda in view of Burk, Costello and Modelski, as applied to claim 9 above, and further in view of U.S. Patent No. 5,802,310 to Rajaraman (hereinafter "Rajaraman").

Claim 22 stands rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Minoda in view of Burk and Costello, as applied to claim 20 above, and further in view of U.S. Patent No. 6,047,001 to Kuo et al. (hereinafter "Kuo").

Claim 25 stands rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Minoda in view of Burk and Costello, as applied to claim 23 above, and further in view of U.S. Patent No. 5,555,478 to Zelikovitz et al. (hereinafter “Zelikovitz”).

Claims 26 and 27 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Minoda in view of Burk and Costello and Zelikovitz, as applied to claim 25 above, and further in view of U.S. Patent Publication No. 2002/0191617 to Duplessis et al. (hereinafter “Duplessis”).

Claims 7 and 9 stand objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Rejections under 35 U.S.C. § 103(a)

The Office Action rejected claims 1-3, 5-6, 11-13, 15-16, 20 and 23 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over U.S. Patent No. 5,731,770 to Minoda in view of Burk and further in view of Costello.

CLAIMS 1-3, 5-6, 11-13, 20-22, and 28-29

Claims 1, 20, and 28 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Minoda in view of Burk and further in view of Costello. Applicant respectfully submits that claims 1, 20, and 28, as amended, are patentable over the cited reference because the combination of cited references does not teach or suggest all of the features of the claim.

Claim 1, as amended, recites:

A method, comprising:

calculating a variation between an input data rate and a pre-determined output data rate, the input data rate being based on a number of data read requests, wherein calculating the variation comprises updating a counter value representative of the variation, **wherein calculating the variation further comprises:**

determining a difference between a total bit group of data received from an input first-in-first-out (FIFO) and a pre-determined output data bus width; and

**subtracting the difference from the counter value to update the counter value; and**

compensating for the variation by modifying the number of data read requests, and wherein compensating for the variation comprises:  
masking a data read request to be transmitted to the input FIFO when the counter value is either equal to or less than a lower threshold value; and  
generating an additional data read request to be transmitted to the input FIFO when the counter value is either equal to or greater than an upper threshold value. (Emphasis added).

Applicant respectfully submits that claim 1 has been amended to include most of the features of claim 7, which has been objected to, but otherwise allowable. In the Examiner's explanation of the allowable subject matter, the Examiner indicated that Minoda and Modelski, singularly or in combination fail to disclose at least the feature of "subtracting the difference from the counter value to update the counter value." (Final Office Action 06/09/ 2008. Pg. 27, #9). Similarly, claims 20 and 28 have been amended to include the allowable subject matter of claim 29, such as "means for subtracting the difference" of claim 20, and "subtracting the difference" of claim 28. Given that the cited references fail to teach or suggest all of the features of the claims, Applicant respectfully submits that claims 1, 20, and 28 are patentable over the cited references. Accordingly, Applicant requests that the rejection of claims 1, 20 and 28 under 35 U.S.C. § 103(a) be withdrawn.

Given that claims 2-7 and 9-14, 21-22, and 29 depend from independent claims 1, 20, and 28, respectively, which are patentable over the cited references, Applicant respectfully submits that dependent claims 2-7, 9-14, 21-22, and 29 are also patentable over the cited reference. Accordingly, Applicant requests that the rejection of claims 2-7 and 9-14, 21-22, and 29 under 35 U.S.C. § 103(a) be withdrawn. Applicant respectfully submits that claims 1-7, 9-14, 20-22, and 28-29 as amended are in condition for allowance and such action is earnestly solicited.

#### CLAIMS 15-19 and 23-27

Claims 15 and 23 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Minoda in view of Burk and further in view of Costello. Applicant respectfully submits that claims 15 and 23 have been amended to include allowable subject matter, as indicated in the Examiner's explanation described above. (Final Office

Action 06/09/ 2008. Pg. 27, #9). In particular, claim 15 has been amended to indicate that the packet pre-processor, as part of calculating the variation, “subtracting the difference from the counter value to update the counter value,” which the Examiner indicated as not being taught or suggested by the cited references. Claim 23 has also been amended to include “subtracting the difference from the counter value to update the counter value.” Given that the cited references fail to teach or suggest all of the features of the claim, Applicant respectfully submits that claims 15 and 23 are patentable over the cited references. Accordingly, Applicant requests that the rejection of claims 15 and 23 under 35 U.S.C. § 103(a) be withdrawn.

Given that claims 16-19 and 24-27 depend from independent claims 15 and 23, respectively, which are patentable over the cited references, Applicant respectfully submits that dependent claims 16-19 and 24-27 are also patentable over the cited references. Accordingly, Applicant requests that the rejection of claims 16-19 and 24-27 under 35 U.S.C. § 103(a) be withdrawn. Applicant respectfully submits that claims 15-19 and 23-27 as amended are in condition for allowance and such action is earnestly solicited.

## CONCLUSION

It is respectfully submitted that in view of the amendments and remarks set forth herein, the rejections and objections have been overcome. If the Examiner believes a telephone interview would expedite the prosecution of this application, the Examiner is invited to contact Kevin Grange at (408) 720-8300.

If there are any additional charges, please charge them to Deposit Account No. 02-2666.

Respectfully submitted,

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